

REMARKS/ARGUMENTS

Claims 1, 2, 4, 6-8, 10, 13, 14, 16, 18 and 25-29 are under examination in the application. The Office Action mailed on January 4, 2007, includes the following objections and rejections:

1. The specification is objected to based on a hyperlink at page 49, line 20.
2. Claims 14 is rejected under 35 U.S.C. § 112, second paragraph; and
3. Claims 1, 2, 4, 6-8, 10, 13, 14, 16, 18 and 25-29 are rejected under 35 U.S.C. § 102 as being as anticipated.

Specification is objected to based on a hyperlink at page 49, line 20.

The application as filed is only 43 pages, Applicants respectfully request the paragraph number associated with the requested change and will amend the specification accordingly based upon knowing its exact location.

Claims 14 is rejected under 35 U.S.C. § 112, Second Paragraph

The Action rejects claim 14 under 35 U.S.C. § 112 Second Paragraph as being indefinite. Claim 14 is distinguishable from claim 13 in that the target of the thioaptamer in claim 13 has been labeled with a fluorophore, while the target of the thioaptamer in claim 14 is the fluorophore itself. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Claims 1, 2, 4, 6-8, 10, 13, 14, 16, 18 and 25-29 are rejected under 35 U.S.C. § 102

The Action also rejects claims 1, 2, 4, 6-8, 10, 13, 14, 16, 18 and 25-29 under 35 U.S.C. § 102(e) as being anticipated by Hess, et al. U.S. Patent No. 6,716,629. Applicants respectfully submit that the cited reference fails to meet the standard of 35 U.S.C. § 102(e) namely, teaching all elements of the claimed invention either explicitly or impliedly and every limitation of the present invention.

In order for a rejection under 35 U.S.C. § 102 to be proper, the cited reference must teach each and every aspect of the claimed invention either explicitly or impliedly. See MPEP §2131. As elaborated in *Richardson v. Suzuki Motor Co.* “[t]he identical invention must be shown in as complete detail as is contained in the claim.” 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1987).

U.S. Patent No. 6,716,629 is directed to methods of making devices, or “platens”, having a high-density array of “through-holes,” as well as methods of cleaning and refurbishing the surfaces of the platens. The invention in the ‘629 patent is not directed to the use of bead libraries. The ‘629 invention makes high-density arrays of chemical, biochemical, and biological compounds onto a solid surface having “through-holes” that retain the beads and which have advantages over conventional, lower-density arrays. Furthermore, nothing in the ‘629 patent teaches the use of a thixotropic agent because the arrays are solid.

Applicants respectfully submit that claims 1, 2, 4, 6-8, 10, 13, 14, 16, 18 and 25-29 as amended are not anticipated by Hess. Hess does not disclose and enable each and every limitation to the present invention; and as such, cannot anticipation the present invention. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

CONCLUSION

In light of the remarks and arguments presented above, Applicants respectfully submit that the claims in the Application are in condition for allowance. Favorable consideration and allowance of the pending claims is therefore respectfully requested.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: July 22, 2007

Respectfully submitted,
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